

in November or December 1996. Claimant had been diagnosed with a herniated disc in 1986.

Shortly after leaving employment for the State of Kansas, claimant went to work for Three Rivers. At Three Rivers she performed services for elderly patients including getting their groceries, housekeeping services, and occasionally assisting them in or out of the bathtub or with walking. Claimant did not seek additional medical treatment until January 1997. In January 1997 she went initially to her family physician, Steven E. Barker, M.D. Dr. Barker referred her to Ali B. Manguoglu, M.D. Dr. Manguoglu diagnosed a herniated disk and performed surgery in April 1997. Dr. Manguoglu has submitted a letter dated June 16, 1997, stating that, in his opinion, the injury is work related. Claimant contends that, in the record of this case, the opinion of Dr. Manguoglu is essentially uncontradicted proof that claimant's current need for medical treatment relates to the injury at work two years earlier.

As above indicated, the Appeals Board finds, as did the Administrative Law Judge, that the evidence indicates more probably than not claimant's back condition was aggravated by her work at Three Rivers. The report from Dr. Barker indicates claimant advised him, in February 1997, "the work she was doing cleaning house and through her employment was causing this to be worse." Claimant was, at the time, cleaning houses and was employed by Three Rivers. In her testimony, she acknowledged that she told Dr. Barker her work for Three Rivers made the condition worse.

WHEREFORE, the Appeals Board finds that the Order by Administrative Law Judge Bryce D. Benedict, dated August 20, 1997, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of October 1997.

BOARD MEMBER

c: Seth G. Valerius, Topeka, KS
Roy T. Artman, Topeka, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director